

FEB 21 2005

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February 21, 2005

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FAX

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY
Mail Stop Petition	703 872 9306	United States Patent & Trademark Office Alexandria, VA

Margaret A. Cogburn, Paralegal
FROM

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PAGES (WITH COVER)

6408

REFERENCE NO

40198/181160

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COMMENTS

Please acknowledge receipt of the enclosed:

1) Petition to Withdraw Notice of Abandonment

For:

Applicant(s): Bell et al.

Application No.: 09/937,542

Filing Date: September 26, 2001

Title: Floor Scalpel Assembly

Attorney Docket No. 40198/181160 (CAN100)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CENTRAL FAX CENTER****FEB 21 2005**In re Application of: **BELL ET AL.**Serial No.: **09/937,542**Filed: **September 26, 2001**For: **SCALPEL ASSEMBLY**Examiner: **Victor X. Nguyen**Art Unit: **3731****PETITION TO WITHDRAW NOTICE OF ABANDONMENT**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being transmitted to the United States Patent Office Centralized Facsimile Number (703.872.9306), on February 21, 2005.

Margaret A. Cogburn
Margaret A. Cogburn

Sir:

The undersigned attorney in the patent application identified above hereby petitions for withdrawal of the holding of abandonment of the application based on the failure to receive a reply to an Office Action. This petition is submitted pursuant to 37 CFR 1.181(a).

A Notice of Abandonment was mailed on January 24, 2005 in the above-referenced case. A copy of the Notice is attached hereto as Exhibit "A". The Notice of Abandonment stated that a reply to the Office Action mailed on June 24, 2003 had not been received. A copy of the Office Action is attached hereto as Exhibit "B".

It is requested that the holding of the abandonment be withdrawn because a reply to the Office Action was timely filed. A reply to the Office Action was filed via facsimile transmission on September 10, 2003. A copy of the reply and facsimile confirmation are attached hereto as Exhibit "C".

In view of the foregoing, the undersigned petitions for withdrawal of the

ATLLIB02 178113 1

Petition to Withdraw Holding of Abandonment
U.S. Application Serial No. 09/937,542

Notice of Abandonment in this case. No fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any over payment to Deposit Account No. 11-0855.

Respectfully submitted,

Camilla C. Williams

Camilla C. Williams
Reg. No. 43,992

DATE: February 21, 2005

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(404) 815-6500
Atty. Docket No. 40198/181160 (CAN100)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,542	09/26/2001	Michael S.G. Bell	40198/181160(CAN100)	2060
23370	7590	01/24/2005	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			NGUYEN, VI X	
			ART UNIT	PAPER NUMBER
			3731	

DATE MAILED: 01/24/2005

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Please find below and/or attached an Office communication concerning this application or proceeding.

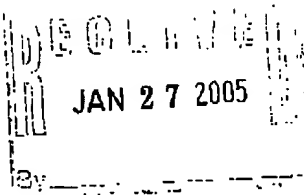


EXHIBIT A

KS Docketing
Docketed for: 2/24/05
Entered on: 1/31/05
Initials: me
Previously Entered:

Notice of Abandonment

Application No.

09/937,542

Applicant(s)

BELL ET AL.

Examiner

Victor X Nguyen

Art Unit

3731

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 24 June 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____, but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

The applicant's attorney Ms Camilla C. Williams was contacted on 12/22/2004 to request the status of this application. However, no returned phone has been received from the attorney.

VN

1/19/05



JULIAN W. WOO
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 01192005



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,542	09/26/2001	Michael S.G. Bell	40198/181160(CAN100)	2060

23370 7590 06/24/2003
 JOHN S. PRATT, ESQ
 KILPATRICK STOCKTON, LLP
 1100 PEACHTREE STREET
 SUITE 2800
 ATLANTA, GA 30309

EXAMINER

NGUYEN, VI X

ART UNIT

PAPER NUMBER

3731

DATE MAILED: 06/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED FOR 8/24/03
 ENTERED COMPUTER ON 7/2/03

181160A

EXHIBIT B

RECEIVED
 JUL 30 2003

Office Action Summary

Application No.

09/937,542

Applicant(s)

BELL ET AL

Examiner

Victor X Nguyen

Art Unit

3731

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Art Unit: 3731

Page 2

DETAILED ACTION***Specification***

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 5-27 are rejected under 35 U.S.C. 102 (b) as being anticipated by Rosenberg (U.S. 4,960,419).

Regarding claim 1, Rosenberg shows in figures 1-3a, a handle assembly (2) for a detachable scalpel blade (4) includes a handle body (2), wherein a blade bar (12) has a portion protruding from the handle body (2) for engaging the blade and urging the blade (4) into engagement with the handle body (2).

Regarding claims 3 and 5, wherein the blade (4) receives in a groove (fig. 3a, item 13), wherein the bar (12) is bent and the groove (fig. 3a, item 13) is parallel to the longitudinal axis.

Regarding claims 6-11, Rosenberg shows in figures 5, 8 and 9, wherein the collet (308) has a bore (314) and the collet (308) has a slit (figs 8 and 9) within the end of the blade (4) is received; wherein the collet (308) has at least one sloping face for guiding the blade (4) into the slit; and wherein the bore (314) has an oval shape (fig. 8) so that the bar (12) can move laterally within the bore along orthogonal axis to the longitudinal axis.

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Regarding claims 12-14, Rosenberg shows in figures 5, 8 and 9, wherein the bar (12) is coupled to an actuator (320 b) for urging the portion of the bar out of the handle assembly; wherein the actuator (320 b) is a button attached to a rod (308).

Regarding claims 15-18, Rosenberg shows in figures 3, 5, 8 and 9, wherein the handle body further includes a handle grip, a collet (308) and a collet core (314); wherein the handle grip (310) has oval shape (figures 8 and 9), wherein the handle grip (310) includes ribs (314 a, b); and wherein the collet (308) flares at its proximal end.

Regarding claims 19-20, Rosenberg shows in figure 1, a retainer (30) captures the rod within the handle body (2); and wherein the retainer (30) attaches to the handle body (2).

Regarding claims 21-27, Rosenberg shows in figures 1, 3, 5-6 and 8-9, wherein a handle body (2) has a blade bar (12), a tang (not labeled) and a spring (fig. 6, item 212); wherein the collet (308) includes a bore (314); and wherein at least one sloping face guides the blade (4) into the slot.

Claims 21-43 are rejected under 35 U.S.C. 102 (b) as being anticipated by Friedman (U.S. 1,940,855).

Regarding claims 21 and 22, Friedman discloses in figures 2-5, a handle assembly for a detachable scalpel blade (1) includes a handle body (3); a blade bar (6); and wherein a spring (5) uses for urging the blade bar into the handle body (3). Furthermore, the tang is defined by a groove (2) and a heel (fig. 4).

Regarding claims 23, 28 and 29, Friedman discloses in figures 2-5, a handle assembly for a detachable scalpel blade (1) includes a handle body (3); a blade bar (6); and wherein a spring

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(5) uses for urging the blade bar into the handle body (3); a collet (4 is considered a collet).

Furthermore, the tang is defined by a groove (2) and a heel (fig. 4).

Regarding claims 24 and 25, wherein the collet (4) further includes a bore within which the blade bar (3) is positioned. The collet further includes a slot (fig. 5).

Regarding claims 26 and 27, wherein the collet includes at least one face sloping toward the slot; and wherein at least one sloping face guides the blade (1) end into the slot.

Regarding claims 30 and 31, wherein the blade (1) is received in a groove in the protruding portion of the bar (6); and wherein the bar (6) is bent and the groove is approximately parallel to the longitudinal axis (fig. 5).

Regarding claims 32 and 33, wherein the collet (4) has a slit (2) within which an end of the blade (1) is received; and wherein the collet has at least one sloping face for guiding the blade (1) into the slit.

Regarding claims 34 and 35, wherein the collet has a pair of faces sloping toward the slit for guiding the blade (1) end into the slit; and wherein the bore (3) is sized to permit the bar to move laterally from the axis orthogonal to the longitudinal axis.

Regarding claims 36 and 37, wherein the bore (3) has an oval cross sectional shape so the bar can move laterally within the bore; and wherein the bar (5) is coupled to an actuator (9).

Regarding claims 38 and 39, wherein the actuator (9) is a button attached to a rod (8) which attaches to the bar (fig. 4); and wherein the rod (8) has two ends and the bar (5) attaches to one end and the button (9) attaches to the other end.

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Regarding claims 40 and 41, wherein the handle body further includes a handle grip (fig. 1); a collet (4) having a proximal end and a collet core (fig. 4); wherein the collet flares at its proximal end.

Regarding claims 42 and 43, wherein the assembly further includes a retainer (5) for capturing the rod (8) within the handle body (3); and wherein the retainer (5) is attached to the handle body (3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 4 are rejected under 35 U.S.C 103 (a) as being unpatentable over Rosenberg (4,960,419) in view of Thimsen et al (4,649,919).

Regarding claims 2 and 4, Rosenberg discloses the invention substantially as claimed. However, Rosenberg does not disclose a coil spring. Thimsen et al teaches a coil spring (fig. 11, item 88).

It would have been obvious to one having ordinary skill in the art at the same time the invention was made to modify Rosenberg by adding a coil spring as taught by Thimsen et al in order to facilitate a cutting motion to the blade bar.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Application/Control Number: 09/937,542
Art Unit: 3731

Page 6

U.S. Pat. No. 5,924,206 to Cote et al U.S. Pat. No. 5,695,511 to Cano
U.S. Pat. No. 5,957,945 to Bays U.S. Pat. No. 6,228,097 to Levinson
U.S. Pat. No. 4,522,206 to Whipple U.S. Pat. No. 3,877,147 to Cummings
U.S. Pat. No. 5,314,417 to Stephens

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor X Nguyen whose telephone number is (703) 305-4898. The examiner can normally be reached on M-F (8-4.30 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Milano can be reached on (703) 308-2496. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Victor X Nguyen
Examiner
Art Unit 3731

vn
June 10, 2003

MICHAEL J. MILANO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Notice of References Cited

Application/Control No.

09/937,542

Applicant(s)/Patent Under
Reexamination
BELL ET AL.

Examiner

Victor X Nguyen

Art Unit

3731

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-4,960,419	10-1990	Rosenberg, Lior	606/45
	B	US-4,649,919	03-1987	Thirnsen et al.	606/80
	C	US-5,924,206	07-1999	Cote et al.	30/337
	D	US-5,695,511	12-1997	Cano et al.	606/170
	E	US-5,957,945	09-1999	Bays, F. Barry	606/180
	F	US-6,228,097	05-2001	Levinson et al.	608/142
	G	US-4,522,206	06-1985	Whipple et al.	606/174
	H	US-3,877,147	04-1975	Cummings, Clinton M.	30/329
	I	US-5,314,417	05-1994	Stephens et al.	604/264
	J	US-1,940,855	12-1933	Name not available	279/24
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
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	W	
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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September 10, 2003

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FAX

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY
Victor X. Nguyen, Examiner 703-305-4898	703-305-3590	U.S.P.T.O. Washington, D.C.

Camilla C. Williams

FROM

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COMMENTS

EXHIBIT C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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FEB 21 2005

APPLICANT: Bell et al.
SERIAL NO.: 09/937,542 GROUP ART UNIT: 3731
FILED: September 26, 2001 EXAMINER: Victor X. Nguyen
FOR: SCALPEL ASSEMBLY

Assistant Commissioner for
Patents
Washington, D.C. 20231

ATTORNEY DOCKET NO.: 40198/181160
Certificate of Facsimile Transmission

I hereby certify that this correspondence is being transmitted via
facsimile to Victor X. Nguyen, Examiner, 703-305-3590 United States
Patent and Trademark Office, on September 10, 2003.

Lusie Haugen
Lusie Haugen

DATE: September 10, 2003

RESPONSE TO OFFICE ACTION

Sir:

Please enter the following amendments and consider the remarks in response to the
Office Action mailed June 24, 2003.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims begin on page 3 of this paper.

Remarks begin on page 7 of this paper.

ENTERED COMPUTER
ON 9/10/03

181160A

AMENDMENT TO THE SPECIFICATION

An abstract on a separate sheet is attached as requested by the Examiner.

Attorney for applicants' assignee notes that an abstract was submitted in Response to the Written Opinion, page 13. However, since it appears from the Examiner's request that the Examiner's file does not include page 13 of the substitute sheets attached to that Response, attorney for applicant's assignee has attached a copy for the Examiner's convenience.

AMENDMENTS TO THE CLAIMS

1. (currently amended) A handle assembly for a detachable scalpel blade having a keyed slot, the handle assembly comprising:
 - (a) a handle body having a longitudinal axis, ~~and~~
 - (b) a blade bar having a portion protruding from the handle body for engaging the blade and urging the distal end of the blade into engagement with the handle body, and
 - (c) a spring for urging the bar.
2. (canceled)
3. (original) The assembly of claim 1, wherein the blade is received in a groove in the protruding portion of the bar.
4. (original) The assembly of claim 2, wherein the spring comprises a tapered, coiled spring.
5. (previously presented) The assembly of claim 3, wherein the bar is bent and the groove is approximately parallel to the longitudinal axis.
6. (original) The assembly of claim 1, further comprising a collet having a through bore within which the blade bar is disposed.
7. (original) The assembly of claim 6, wherein the collet has a slit within which an end of the blade is received.
8. (original) The assembly of claim 6, wherein the collet has at least one sloping face for guiding the blade into the slit.
9. (original) The assembly of claim 6, wherein the collet has a pair of faces sloping toward the slit for guiding the blade end into the slit.
10. (original) The assembly of claim 6, wherein the bore is sized and shaped to permit the bar to move laterally along one axis orthogonal to the longitudinal axis.
11. (original) The assembly of claim 6, wherein the bore has a generally oval cross-sectional shape so that the bar can move laterally within the bore along one axis orthogonal to the longitudinal axis.
12. (original) The assembly of claim 1, wherein the bar is coupled to an actuator for urging the protruding portion of the bar out of the handle assembly for removing the blade from the bar or mounting the blade on the bar.

13. (original) The assembly of claim 12, wherein the actuator is a button attached to a rod attached to the bar.
14. (original) The assembly of claim 13, wherein the rod has two ends and the bar attaches to one end and the button attaches to the other end.
15. (original) The assembly of claim 1, wherein the handle body further comprises:
(a) a handle grip,
(b) a collet having a proximal end, and
(c) a collet core.
16. (original) The assembly of claim 15, wherein the handle grip has a generally oval cross-sectional shape.
17. (original) The assembly of claim 15, wherein the handle grip further comprises ribs.
18. (original) The assembly of claim 15, wherein the collet flares at its proximal end.
19. (currently amended) The assembly of claim 1, further comprising a retainer for capturing ~~the a~~ rod within the handle body.
20. (original) The assembly of claim 19, wherein the retainer is attached to the handle body with mating threads.
21. (original) A handle assembly for a detachable scalpel blade having a keyed slot, the handle assembly comprising:
(a) a handle body having a longitudinal axis,
(b) protruding from the handle body a blade bar having a tang for insertion in the keyed slot, and
(c) a spring for urging the blade bar into the handle body.
22. (original) The assembly of claim 21, wherein the tang is defined by a groove and a heel.
23. (previously presented) A handle assembly for a detachable scalpel blade having a keyed slot, the handle assembly comprising:
(a) a handle body having a longitudinal axis,
(b) protruding from the handle body a blade bar having a tang for insertion in the keyed slot,
(c) a spring for urging the blade bar into the handle body, and
(d) a collet.

24. (original) The assembly of claim 23, wherein the collet further comprises a through bore within which the blade bar is positioned.
25. (original) The assembly of claim 24, wherein the collet further comprises a slot.
26. (original) The assembly of claim 25, wherein the collet further comprises at least one face sloping toward the slot.
27. (original) The assembly of claim 26, wherein the at least one sloping face guides the blade end into the slot thereby preventing the blade from disengaging from the heel.
28. (previously presented) The assembly of claim 23, wherein the tang is defined by a groove and a heel.
29. (previously presented) A handle assembly for a detachable scalpel blade having a keyed slot, the handle assembly comprising:
- (a) a handle body having a longitudinal axis,
 - (b) a blade bar having a portion protruding from the handle body for engaging the blade and urging the blade into engagement with the handle body, and
 - (c) a collet having a through bore within which the blade bar is disposed.
30. (previously presented) The assembly of claim 29, wherein the blade is received in a groove in the protruding portion of the bar.
31. (previously presented) The assembly of claim 30, wherein the bar is bent and the groove is approximately parallel to the longitudinal axis.
32. (previously presented) The assembly of claim 29, wherein the collet has a slit within which an end of the blade is received.
33. (previously presented) The assembly of claim 29, wherein the collet has at least one sloping face for guiding the blade into the slit.
34. (previously presented) The assembly of claim 29, wherein the collet has a pair of faces sloping toward the slit for guiding the blade end into the slit.
35. (previously presented) The assembly of claim 29, wherein the bore is sized and shaped to permit the bar to move laterally along one axis orthogonal to the longitudinal axis.
36. (previously presented) The assembly of claim 29, wherein the bore has a generally oval cross-sectional shape so that the bar can move laterally within the bore along one axis orthogonal to the longitudinal axis.

37. (previously presented) The assembly of claim 29, wherein the bar is coupled to an actuator for urging the protruding portion of the bar out of the handle assembly for removing the blade from the bar or mounting the blade on the bar.
38. (previously presented) The assembly of claim 37, wherein the actuator is a button attached to a rod attached to the bar.
39. (previously presented) The assembly of claim 38, wherein the rod has two ends and the bar attaches to one end and the button attaches to the other end.
40. (previously presented) The assembly of claim 29, wherein the handle body further comprises:
(a) a handle grip,
(b) a collet having a proximal end, and
(c) a collet core.
41. (previously presented) The assembly of claim 40, wherein the collet flares at its proximal end.
42. (previously presented) The assembly of claim 29, further comprising a retainer for capturing the rod within the handle body.
43. (previously presented) The assembly of claim 42, wherein the retainer is attached to the handle body with mating threads.

REMARKS**I. PENDING CLAIMS AND SUPPORT FOR AMENDMENTS**

Claims 1 - 43 are pending in this application.

Claim 1 has been amended to incorporate the limitation of claim 2. Claim 2 has been canceled. Claim 19 has been amended in order to properly claim the invention. No new matter has been added.

II. THE CLAIMS ARE PATENTABLE UNDER 35 U.S.C. § 102

On pages 2-5 of the Office Action, the Examiner rejected claims 1, 3, and 5 - 43 under 35 U.S.C. § 102(b). These claims are patentable for at least the reasons detailed below, and this ground of rejection should be withdrawn.

A. Rosenberg: claims 1, 3 and 5-27

On pages 2-3 of the Office Action, the Examiner rejected claims 1, 3, and 5 - 27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,960,419 to Rosenberg. This rejection is respectfully traversed and reconsideration and withdrawal thereof are requested.

Rosenberg discloses a surgical tissue separation system including a metal blade mounted to a handle, means for supplying electricity to the blade, a bore through the handle and a suction tube connected to the opposite end of the handle. *See* col. 2, ll. 3-16. The suction tube includes tube sections designed to remove smoke, fumes and fluids. *Id.* The Examiner cited Rosenberg in the rejection of independent claims 1, 21 and 23. In rejecting claim 1, the Examiner stated that Rosenberg discloses a blade bar for urging the blade into engagement with the handle body. Claim 1 has been amended to include the limitation of dependent claim 2; therefore, for at least this reason, the rejection of claim 1 should be

withdrawn. While Rosenberg does disclose a spring 212, spring 212 is a leaf spring that is used with a finger switch 200 to provide electricity to the device, and does not urge a blade bar into the handle body, as required by all of claims 1, 21 and 23.

Therefore, for at least these reasons, Rosenberg does not disclose every limitation of the independent claims. The dependent claims are patentable for at least the reasons the independent claims are patentable, and may be patentable for additional reasons. For example, contrary to the Examiner's argument, shank 308 disclosed in Rosenberg is not a collet, nor is V-shaped rib 314 a collet core, as required by some of the rejected claims. Therefore, for at least these reasons this ground of rejection should be withdrawn.

B. Friedman: claims 21-43

On pages 3-5 of the Office Action, the Examiner rejected claims 21 - 43 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,940,855 to Friedman. This rejection is respectfully traversed and reconsideration and withdrawal thereof are requested.

The Examiner cited Friedman in the rejection of independent claims 21, 23 and 29. Friedman discloses a surgical knife having a detachable blade. Friedman does not disclose a surgical knife having a blade bar or a spring for urging the blade bar into the handle body. Rather, Friedman discloses a spring 5 having a latch 6, so that the latch 6 fits into a notch 7 on the blade after the blade is in place on rivets 4. Latch 4 is not a blade bar that protrudes from the body nor does latch 4 include a tang for insertion into the keyed slot of the blade. Rather, the rivets, which together with the latch 6 retain the blade, are received in the slot of the blade. Rivets 4 are not a part of the latch 6. It follows also then, with regard to the rejection of claim 23, that rivets 4 are not collets and that this rejection should also be

withdrawn. Finally, the Examiner also rejected claim 29, again stating that the rivets 4 are considered the collet as required by the claim. Not only are the rivets not a collet, as explained above, claim 29 also requires the collet have a through bore within which the blade bar is disposed. Not only are the rivets not a collet as claimed, there is no through bore in the rivets, so claim 29 should be allowable for this additional reason.

Therefore, for at least these reasons, Friedman does not disclose every limitation of the independent claims. The dependent claims are patentable for at least the reasons the independent claims are patentable, and may be patentable for additional reasons. Therefore, for at least these reasons this ground of rejection should be withdrawn.

II. THE CLAIMS ARE PATENTABLE UNDER 35 U.S.C. § 103

On page 5 of the Office Action, the Examiner rejected claims 2 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Rosenberg in view of U.S. Patent No. 4,649,919 to Thimsen et al. Claim 2 has been canceled. As demonstrated above, Rosenberg does not disclose the limitations of amended claim 1 and dependent claim 4 is patentable for at least those reasons.

In addition, the combination of Rosenberg and Thimsen does not provide the claimed invention, since replacing the leaf spring used to control the supply of electricity to the cautery device of Rosenberg with a coiled spring used with the helical cutter blade of Thimsen does not provide the claimed device. The spring 212 of Rosenberg is a leaf spring used to control the supply of electricity. It is doubtful a coiled spring could be used instead of leaf spring 212 to control the flow of electricity and in any event, using a coiled spring to

control electricity is not the claimed invention. Therefore, for at least these reasons this ground of rejection should be withdrawn.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action mailed June 24, 2003. Assignee submits that the claims are allowable for at least the reasons set forth above, and allowance of the claims is respectfully requested.

Please charge any additional fees or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,

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ABSTRACT

A scalpel assembly utilizing an ejectable blade allowing easy installation and removal of the blade. Use of an ejectable blade permits a used or contaminated blade to fall freely from the scalpel assembly without direct contact with the blade.

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